

Teleconference

Applicant's representative would like to thank the Examiner for her willingness to discuss this Response via telephone on February 9, 2011. Applicant's representative greatly appreciates the courtesy extended by the Examiner.

Previously Filed Amendments

Applicant appreciates the Examiner's acknowledgement that the amendment filed on March 30, 2010 and the supplemental amendment filed on August 16, 2010 have both been received and entered into the record.

Status of Claims

Applicant appreciates the Examiner's acknowledgement that claims 1-17 are pending and were reviewed on their merits.

Objections to Claims, Title, Abstract and Specification

Applicant appreciates the Examiner's acknowledgement that the prior objections to claim 1 and the title of the invention were withdrawn due to the amendments filed on March 30, 2010 and August 16, 2010.

Applicant acknowledges that the Examiner is now requesting the following non-substantive amendments to claims 1-8, 10 and 17:

In claim 1 (line 1), the Examiner requests that Applicant insert the term, "using unidentified white-rot fungus NIOCC #2a deposited under accession number MTCC 5159" after the term, "effluents."

In claim 1 (line 3), the Examiner requests Applicant delete the phrase, "an isolated white-rot fungus strain NIOCC2A" and for the phrase to be replaced by the new phrase, "the unidentified white-rot fungus NIOCC #2a."

In claim 1 (line 4), the Examiner requests insertion of the phrase, "in a medium" after the term, "5159."

In claim 1 (line 7), the Examiner requests Applicant delete the phrase, "C and N" and insert the phrase, "carbon and nitrogen" in its place.

In claim 1 (line 12), the Examiner requests Applicant to insert the phrase, "produced by the fungus" after the term, "EPS."

In claim 1 (line 21), the Examiner requests deletion of the term, "f" and insertion of the term, "e" in its place.

In claim 2 (line 3), the Examiner requests Applicant delete the phrase, "waste waters" and insert the term, "wastewaters" in its place.

In claim 3 (line 1), the Examiner requests deletion of the phrase, "fungal biomass" and insertion of the term, "fungus" in its place.

In claim 4 (line 1), claim 5 (line 2), claim 6 (line 1), claim 7 (line 2), and claim 8 (line 1), the Examiner requests deletion of the term, "growing" and insertion of the term, "culturing" in its place.

In claim 10 (line 1), the Examiner requests Applicant delete the phrase, "fungal biomass" and insert the term, "fungus" in its place.

In claim 17 (line 2), the Examiner requests deletion of the phrase, "an isolated" and insertion of the phrase, "a biologically pure culture of the unidentified" in its place.

In claim 17 (line 2), the Examiner requests deletion of the phrase, "strain NIOCC2A" and insertion of the phrase, "NIOCC #2a" in its place.

In claim 17, (line 4 and continued on the following page), the Examiner has requested that Applicant insert the term, "and" after the term, "filamentous."

Applicant has amended all referenced claims without prejudice or disclaimer of the subject matter thereof. Additionally, no new matter has been added by these amendments. In light of all such amendments, Applicant respectfully requests that the objections of record to the claims listed above be withdrawn.

The Examiner has also requested that Applicant insert the phrase, "white-rot" after the term, "unidentified" in the Abstract.

Applicant has provided an amended Abstract with the requested term inserted and such amendment has been done without prejudice or disclaimer of the subject matter thereof. Applicant respectfully requests this amended Abstract be substituted for the current Abstract. In light of Applicant's amendment to the Abstract, Applicant respectfully requests that the objection of record be withdrawn.

The Examiner has also requested the following non-substantive amendments be made to the Specification:

The Examiner has requested that the term, "white-rot" be inserted after the term, "unidentified" on page 1 (line 4) and page 4 (line 7) of the specification. Applicant respectfully points out that it thinks Examiner intended to refer to page 7, line 4 in regards to the second portion of this objection.

Applicant herein provides the requested amendments on both pages and requests that the amended paragraphs be substituted for those currently of record. As the requested amendment to page 7 includes an incomplete paragraph that begins on page 6, Applicant respectfully requests that the amended paragraph beginning on page six and continuing to page 7 be substituted for that currently of record. Applicant respectfully asserts that all amendments have been made without prejudice or disclaimer of the subject matter thereof. No new matter has been added by these amendments.

In light of the amendments made to paragraphs on both page 1 and page 4, Applicant respectfully requests that the Examiner withdraw the objections of record relating to the Specification.

Objection to Specification

The Examiner has objected to the Specification for failing to provide antecedent basis for claimed subject matter. Specifically, the Examiner has asserted that language in claim 17, step (c) is unsupported.

Solely in order to expedite prosecution and without prejudice or disclaimer of the subject matter thereof, Applicant has amended claim 17 to delete step (c) rendering this objection moot. Applicant respectfully requests that in light of this amendment to claim 17, this objection be withdrawn.

withdrawn.

Rejection of Claims Under 35 U.S.C. 112, first paragraph

The Examiner has rejected claims 1-17 for the reasons of record. Specifically, the Examiner asserts that it is unclear if the deposit meets all criteria as set forth in 37 CFR 1.801-1.809. Particularly, the Examiner states that, "the deposit must be referred to in the body of the specification and be identified by deposit (accession) number, date of deposit, name and address of the depository and the complete taxonomic description, in addition to the complete name and address of the depository is required."

Applicant has amended the Abstract of this application to now include the date of the deposit per the Examiner's request via telephone on February 9, 2011. Applicant appreciates clarification on this point and has provided the requested information per the Examiner's request.

Rejection of Claims Under 35 U.S.C. 101

Applicant appreciates Examiner's acknowledgement that the prior rejection of record directed to claim 17 under 35 U.S.C. 101 is withdrawn.

Rejection of Claims Under 35 U.S.C. 102

Applicant appreciates Examiner's acknowledgement that the prior rejection of record directed to claim 17 under 35 U.S.C. 102 is withdrawn.

Rejection of Claims Under 35 U.S.C. 103

Applicant appreciates Examiner's acknowledgement that the prior rejection of record directed to claim 17 under 35 U.S.C. 103 is withdrawn.

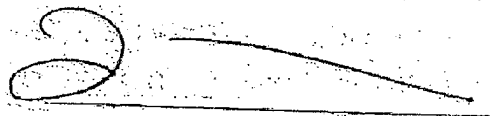
**RECEIVED
CENTRAL FAX CENTER****FEB 25 2011**Concluding Remarks.

In view of the foregoing remarks, Applicant respectfully requests reconsideration and examination as to the merits of this application. The undersigned attorney respectfully requests that the Examiner call her if any further issues arise in relation to this application in order to expedite issuance of a Notice of Allowance in this case.

Respectfully Submitted,

2-25-11

Date



Jennifer M. McCallum, Ph.D., Esq.
Patent Attorney
Registration No. 52,492
The McCallum Law Firm, P.C.
685 Briggs Street
P.O. Box 929
Erie, CO 80516
Telephone: (303) 828-0655
Facsimile: (303) 828-2938
e. mail: accounting@mccallumlaw.net